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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,058	02/02/2004	Gregory Lee Burns	BURNS-001	1519
7590 07/17/2006				
ANDREW D. GATHY P.O. BOX 351 EAST LYME, CT 06333		EXAMINER RODRIGUEZ, RUTH C		
		ART UNIT 3677 PAPER NUMBER		

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/771,058

Applicant(s)

BURNS, GREGORY LEE

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-15 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Koch et al. (US 3,342,507).

A clamp comprises a body (10), an offset and at least one clamp insert (23). The body defines a first fork clamp (12) opposite a second fork clamp (12) along a common centerline (Figs. 1 and 6-8). The body defines a center steering pivot (Figs. 1 and 6-8). The center steering pivot includes a pivot centerline (Figs. 1 and 6-8). The offset is defined by the common centerline (57) and the pivot centerline. The at least one clamp insert has an eccentric form insertable in each of the first fork and the second fork (Abstract and Figs. 1 and 6-8). The clamp insert is configured to shift the offset (Figs. 1 and 6-8).

The at least one clamp insert comprises an insert body (23) having an insert wall. The insert wall defines an insert perimeter and an insert inside diameter (Figs. 6-9). The insert wall has a variable thickness (Figs. 6-9). The variable thickness is configured to shape the eccentric form (Figs. 6-9).

The at least one clamp insert is configured to be insertable in the center steering pivot (Fig. 1).

The inside perimeter is configured to dispose in each of the first fork clamp and the second fork clamp (Figs. 1 and 6-8).

The at least one clamp insert comprises a reversible feature (Figs. 6-9). The reversible feature is configured to create a first shift in the offset and a second shift in the offset (Figs. 6-9).

The at least one clamp insert is configured to shift the offset in one of forward or rearward relative to the center steering pivot (Figs. 1 and 6-8).

The clamp insert perimeter is configured to be insertable in the center steering pivot to shift the offset (Fig. 1).

The at least one clamp insert comprises an angled clamp insert having an inner surface formed with a pitch along the axis of the angled clamp insert (Figs. 6-9).

The pitch corresponds with a predetermined fork rake angle (Figs. 6-9).

A clamp comprises a clamp body (10), an offset and a clamp insert (23). The clamp body forms a first fork clamp (12) and a second fork clamp (12), a center steering pivot formed in the clamp body between the first fork clamp and the second fork clamp (Fig. 1). The center steering pivot defines a steering centerline (Fig. 1). The first and second fork clamps define a fork centerline (Fig. 1). The offset is formed between the steering centerline and the fork centerline (Fig. 1). The clamp insert includes an insert body defining an insert wall defining an inside diameter and an insert outside diameter (Figs. 6- 9). The clamp insert outside diameter is configured to be insertable in each of

the first fork clamp and the second fork clamp and configured to shift the offset (Figs. 1 and 6-8).

The insert wall comprises a variable thickness (Figs. 6- 9). The variable thickness forms an eccentric insert center relative to the insert outside diameter (Figs. 6-9).

The clamp insert includes a reversible feature (Figs. 6-9). The reversible feature is configured to create a first shift in the offset and a second shift in the offset (Figs. 6-9).

The inside diameter is configured to mount a fork (Figs. 1 and 6-9).

### ***Allowable Subject Matter***

3. Claims 18-20 are allowed.
4. Claims 8, 9, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

5. Applicant's arguments filed 25 April 2006 have been fully considered but they are not persuasive.
6. In response to Applicant's argument that Koch et al. does not include certain features of Applicant's invention, the limitation on which the Applicant relies (i.e. a motorcycle triple clamp comprising a body defining a first motorcycle fork clamp

opposite a second motorcycle fork clamp and a motorcycle center steering pivot) are not stated in the claims. It is the claims, not the specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.

7. In response to Applicant's argument that Koch et al. does not include certain features of Applicant's invention, the limitation on which the Applicant relies (i.e. "a clamp insert having an eccentric form insertable in each of the fork clamps configure to shift the offset of the motorcycle front steering wheel") are not stated in the claims. It is the claims, not the specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.

8. The Applicant argues that Koch et al. fails to disclose a first fork clamp, a second fork clamp, a center steering pivot and an offset defined by the common centerline and pivot centerline. The Examiner fails to be persuaded by these arguments because claims in a pending application should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974). In this case, the claims only require having a first fork clamp opposite to a second fork clamp and the integral bosses 12 disclosed by Koch can be broadly interpreted as the first and second fork clamps since the claims do not provide any additional details for the first and second fork clamps. The claim only recites that the body defines a center steering pivot that includes a pivot centerline. The claim does provide any details for the center steering pivot and when giving the broadest interpretation to this limitation the middle of the body can be considered the center steering pivot with a centerline passing through its center. The claim recite that "an offset defined by said common centerline and the pivot centerline".

Likewise, this limitation does not provide any details that would exclude Koch from being read on this limitation since the offset can be defined when the centerline of the middle of the body and the centerlines of the two king pins are spaced from each other by lying in a common plane. The clamp insert (23) when rotated to a different orientation will cause rotation of the king pins to a different orientation that will result in the shift of the offset. Therefore, all the claim limitations are met by Koch and claims 1-7 and 10-15 remain rejected under 35 U.S.C. 102(b) as being anticipated by Koch et al.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kock et al. (US 3,342,507) and Kao (US 5,404,769) are cited to show state of the art with respect to the use of eccentric inserts in automobile parts.

Robinson (US 3,866,946), Scheibe et al. (US 5,938,225), Callaluca et al. (US 5,967,538), Nakagawa et al. (US 6,783,158 B2) and German Patent Document DE 39 33 058 A1 are cited to show state of the art with respect to triple clamps having some of the features being claimed by the current application for changing the offset.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should




Art Unit: 3677

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
July 10, 2006



**ROBERT J. SANDY**  
**PRIMARY EXAMINER**